



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

June 30, 2016

Chris Barr
U.S. Fish and Wildlife Service
Don Edwards San Francisco Bay National Wildlife Refuge Complex Headquarters
1 Marshlands Rd.
Fremont, CA 94555

Subject: Final Environmental Impact Statement/Environmental Impact Report (FEIS/R) for the
South Bay Salt Pond Restoration Project, Phase 2 [CEQ # 20160120]

Dear Mr. Barr:

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced document. Our review and comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's (CEQ) NEPA Implementation Regulations at 40 CFR 1500-1508, and our NEPA review authority under Section 309 of the Clean Air Act.

EPA submitted comments on the Draft Environmental Impact Statement (DEIS) on October 29, 2015 to the Service. We rated Alternative Ravenswood D in the DEIS as *Environmental Concerns – Insufficient Information* (EC-2) and all other alternatives as *Lack of Objections* (LO). Ravenswood D was rated EC-2 primarily due to a lack of specific information about stormwater quality and uncertainty about whether pollutants present in stormwater would be detrimental to the restoration. Integration with the Bayfront Canal and Atherton Channel (BCAC) Project has subsequently been removed from the preferred alternative for Phase 2, eliminating the source of our concern. We encourage the U.S. Fish and Wildlife Service (USFWS) to continue to work with its project partners in considering the use of the Ravenswood Ponds for stormwater detention in the future, when stormwater has been completely characterized.

We continue to support Mountain View Alternative C, which includes restoration of Charleston Slough, as the alternative that maximizes tidal marsh ecosystem restoration and resilient adaptation to sea level rise. Given that a Bay Conservation and Development Commission's permit requires the area to be restored to tidal marsh, restoration of Charleston Slough in concert with the adjacent Mountain View ponds would be more cost-efficient than would sequential restoration and would minimize disturbance to special status species from construction activities. EPA is aware that relevant regulatory agencies and the City of Mountain View have shown a willingness to work through the challenges of potential fish entrainment in a timely manner and we encourage the USFWS to incorporate the solution into Phase 2 design and construction.

EPA appreciates the Service's consideration of climate change-induced sea-level rise throughout the document; however, we wish to respond to the following statement made in the FEIS' Master Comment Response #2:

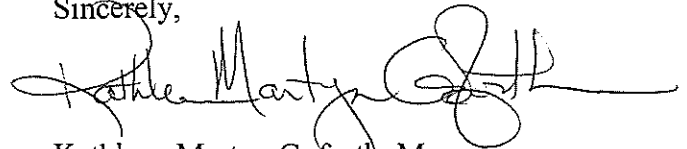
"That is, with a few exceptions, analysis and disclosure of the environment's impacts on a project are neither the intent nor a requirement of these laws.... Sea-level rise is an example of a potential future impact of the environment on the project, not a project impact on the

environment. So, while the design of the project should and does plan for sea-level rise in order to help implement a successful project, this is not a NEPA or CEQA issue."

Climate change has the potential to exacerbate the environmental impacts from agencies' actions and to interact with the project to result in new or greater cumulative effects. Under NEPA, cumulative impacts must be considered in environmental impact statements. The effects of climate change on a project also have the potential to affect the success of the project in meeting the purpose and need. Disclosure of the reasonably foreseeable range of conditions expected under climate change and analyses of the interaction of future environmental conditions with the project are important to include in NEPA documents. We recommend including this kind of information in NEPA documents for the benefit of the public and to inform federal decision makers.

We appreciate the opportunity to review this FEIS. When the Record of Decision is signed, please send one copy to the address above (mail code ENF-4-2). If you have any questions, please contact me at 415-972-3521, or contact Hugo Hoffman, the lead reviewer for this FEIS. Hugo can be reached at 415-972-3929 or hoffman.hugo@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathleen Martyn Goforth', with a long horizontal flourish extending to the right.

Kathleen Martyn Goforth, Manager
Environmental Review Section

cc: Brenda Buxton, California Coastal Conservancy
John Bourgeois, California Coastal Conservancy
Gary Stern, National Marine Fisheries Service
Brian Mux, National Marine Fisheries Service
Raymond Wong, PhD, PE, LEED AP, CPESC; City of Mountain View (Public Works Department)